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OFFICIAL

Date: May 20, 2004

Case Docket No. BJA272C

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

VIA FACSIMILE to (703) 872-9306

(9 pages)

RE: Request to Enter Timely Filed Reply to Office Action Mailed October 30, 2003

Application No.: 09/745,458

Applicant: Jorg G. Moser

Filing Date: December 21, 2000

Title: Photosensitizers with Ligand Targeting Properties for Tumor Therapy

Dear Sir or Madam:

This letter is in response to a Notice of Abandonment mailed May 18, 2004 for failing to timely reply to the Office Action mailed on October 2, 2003. A copy of the Notice is enclosed. Applicant did timely file a reply (a copy of which is enclosed) to that Office Action on October 30, 2003, and thus requests that the enclosed reply be accepted as timely filed and be given due consideration.

A copy of the Express Mail receipt is enclosed, showing that the reply was deposited in the U.S. Post Office on October 30, 2003. A copy of the itemized post card accompanying that reply, showing acknowledgement by the USPTO of a receipt date of October 30, 2003, is also enclosed.

I trust that this showing is sufficient to demonstrate that a reply to the above Office Action was timely filed, and that the holding of abandonment should therefore be withdrawn. Applicant respectfully requests that the holding of abandonment be withdrawn and that the enclosed reply be accepted as timely filed.

Sincerely,



Bolesh J. Skutnik, PhD, JD  
Reg. No. 36,347  
Attorney for Applicants

CERAMOPTEC® INDUSTRIES, INC.  
515 Shaker Road  
East Longmeadow, MA 01028

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,458	12/21/2000	Jorg G. Masor	BIA272C	3984

7590 05/18/2004

BOLESH J. SKUTNIK PhD,JD  
 515A Shaker Road  
 East Longmeadow, MA 01028

EXAMINER

GUPTA, ANISH

ART UNIT	PAPER NUMBER
1654	

DATE MAILED: 05/18/2004

3


Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	09/745,458	MOSER, JORG G.	
	Examiner	Art Unit	
	Anish Gupta	1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 October 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:




*Brenda Brumbaek*  
**BRENDA BRUMBAEK**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 1600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
 PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 3

 <b>ER 487192993 US</b>		<b>Customer Copy</b> <small>Last 1-8 September 2002</small>	
<b>EXPRESS MAIL</b>			
<b>UNITED STATES POSTAL SERVICE® Post Office To Addressee</b>			
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PO ZIP Code 01028	Day of Delivery <input checked="" type="checkbox"/> Drive <input type="checkbox"/> Collect	Flat Rate Envelope <input type="checkbox"/>	
Date In 10/20/03	Delivery Time 4:30 PM	Postage \$ 1.65	
Weight 4.18 lbs	Return Receipt Fee <input type="checkbox"/>	Insurance Fee \$ 1.00	
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Appearance Clerk Initials WA	Total Postage & Fees \$ 2.65	
<b>FROM: PLEASE PRINT</b>			
Dr. B. Josh J. Skutnick Ceram Optec Industries Inc. 515 Shaker Rd East Longmeadow, MA 01028			
PHONE 1: (413) 525-9222			
<b>FOR PICKUP OR TRACKING CALL 1-800-222-1811</b>			
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PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.			
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TO: (PLEASE PRINT) Mail Stop 1010 Commission of Profits P.O. Box 1470 Alexandria, VA			
PHONE 1:			
ZIP+4			

Ser./Reg./Pat. No. 09/745458 File No. BV272C By B. J. Skutnick  
Title/Mark Photorefractive keratotomy with ligand targeting properties  
In the Matter of the Application of J. H. H. H.

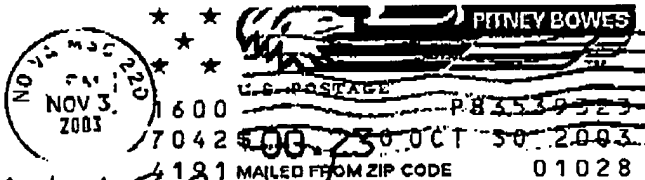
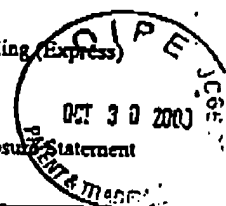
The following, due 11/2/03 in the U.S. Patent & Trademark Office, was received in the Patent & Trademark Office Mail Room on the date stamped hereon:

- ☐ Affidavit or Declaration  
☒ Response to Office Action  
☐ Extension Request  
☐ Application for Patent Including  
           Pages Specification        claims  
    ☐ Declaration or ☐ Oath ☐ Abstract  
Application for Registration/Renewal Including  
    Specimens/Facsimiles

- ☐ Assignment  
☐ Brief

☐ Check No.        For \$         
Mailed: Express Mail 10/30/03  
6248719799342

- ☐ Drawings        Sheet(s) (Formal)  
☐ Transmittal  
☐ Maintenance Fee  
☐ Certificate of Mailing (Express)  
☐ Notice of Appeal  
☐ Petition  
☐ Power of Attorney  
☐ Information Disclosure Statement  
☐ Priority Document



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